IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Bail Appl..No. 3929 of 2007()

CRIME NO. 130/07 OF THENMALA POLICE STATION

PETITIONER/ACCUSED

P.G.BABU, S/O. GEORGE, AGED 33 YEARS,
PLAVILA PUTHEN VEEDU, KOTTAVATTOM MURI,
CHAKKUVARACKAL VILLAGE, KOTTARAKKARA.

BY ADV. SRI.ALEXANDER GEORGE
SRI.DILIP MOHAN

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
THENMALA POLICE STATION, PUNALUR,
KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 3929 of 2007

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Dated this the 2nd day of July, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations of having committed the offence punishable under Section 498A I.P.C. The complaint has been lodged by his wife. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that there is acrimony in the marital tie and exaggerated and false allegations are being made to coerce the petitioner to accept the terms of the defacto complainant. The petitioner is willing to co-operate with the investigators and abide by any condition. Discretion under Section 438 Cr.P.C. may be invoked in favour of the petitioner, it is prayed.

3. The application is not seriously opposed by the learned Prosecutor and I reckon that as a reasonable and fair stand taken by the learned Prosecutor. Arrest and incarceration of the petitioner is likely to mar all possibilities of reconciliation of marital relationship. Subject to appropriate conditions, anticipatory bail can be granted to the petitioner.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 9.7.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 10.7.07 and 11.7.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 9.7.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 9.7.2007 as directed in clause (1) above, he shall be released on bail on his executing a

bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 9.7.2007.

(R. BASANT)
Judge

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